



# Policy and Procedures Governing the Certification of ASL Interpreters

May 2018

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## **INTRODUCTION**

As required by Utah Code Annotated (UCA) 35A-13-601, Interpreter Services for the Deaf and Hard of Hearing Act, the policy and procedures detailed in this document are designed to achieve the provision of quality interpreter services. These policies and procedures have been developed by the Utah State Office of Rehabilitation (USOR) Division of Services for the Deaf and Hard of Hearing (DSDHH), Interpreter Certification Board (ICB), and approved by the director.

The policies and procedures outlined in this document are founded on the philosophy that all individuals have the right to a barrier-free environment that allows maximum participation in society based upon abilities, not limitations.

This document is based on the following principles:

- Utah residents who are deaf or hard of hearing have the right, responsibility, and desire to fully participate in and contribute to the families and communities in which they live.
- The mode of communication should be provided according to the consumer's choice.
- Interpreters, and consumers of interpreting services will strive to realize the highest possible quality of interpreter provision.
- Utah certified interpreters are responsible to accept assignments within the limits of their abilities and practice according to the standards outlined in this document.
- Interpreters will provide services in a professional manner consistent with the established Code of Professional Conduct (CPC).

### **I. PURPOSE AND AUTHORITY**

#### **Purpose**

According to UCA 35A-13-6, USOR is authorized to create rules governing the certification and certification maintenance of interpreters for the Deaf and Hard of Hearing. The rules shall include the definition of key terms; the creation of an Interpreter Certification Board (ICB); the powers and duties of the ICB; classes of certification; qualifications for certification; certification terms, including expiration and renewal requirements; continuing education requirements; exemptions from certification, including temporary or restricted certification; certification denial and discipline; and the definition of unlawful unprofessional conduct.

#### **Authority**

Under Utah Code 35A-13-601, the USOR Director is designated to oversee the activities by which the directives and purpose of the law are to be satisfied.

The ICB has the responsibility to establish policies and procedures by which certification of interpreters for the Deaf and Hard of Hearing will occur in Utah. DSDHH, under the direction of USOR, serves as the operational entity by which certification of interpreters for the Deaf and Hard of Hearing occurs. DSDHH may, while retaining jurisdiction in the certification procedure, designate specific entities to administer all or part of the interpreter examination process.

## **Governing Bodies for the Interpreter Certification Process**

Utah State Office of Rehabilitation (USOR): USOR works with Utah's citizens living with disabilities seeking information, education, referral, employment, and other services that result in increased independence.

Division of Services for the Deaf and Hard of Hearing (DSDHH): DSDHH is part of USOR. DSDHH provides education, advocacy, resources, technology, counseling, employment services, volunteer opportunities, interpreter certification, social functions, and other accessible services to enhance the quality of life for people who are Deaf and Hard of Hearing.

Utah Interpreter Program (UIP): UIP is part of DSDHH. UIP is responsible for certifying and regulating sign language interpreters in the state of Utah. UIP maintains a directory of all interpreters authorized to work in the state of Utah. UIP oversees the state certification examination process, as well as the Utah process to recognize national certifications (e.g., Registry of Interpreters for the Deaf [RID], including Certified Deaf Interpreter [CDI]; Educational Interpreter Performance Assessment [EIPA]; and National Association of the Deaf [NAD]).

Interpreter Certification Board (ICB): The ICB is an advisory board to the USOR director and governs and addresses issues related to Utah certified interpreters. The ICB meets on a quarterly basis and is comprised of representatives from the Utah State Board of Education (USBE), State Board of Regents, DSDHH, Deaf community members, and interpreting professionals. All meetings are open to the public, with the exception of executive sessions.

## **Definitions**

deaf: A person with hearing loss who is usually unable to use his or her hearing for the purpose of understanding or communicating through spoken language. Each deaf person is unique in his or her hearing status, ability and/or preferences in communicating using spoken or signed language.

Deaf: A person with hearing loss who is usually unable to use his or her hearing for the purpose of understanding or communicating through spoken language. Deaf individuals share the use of American Sign Language and the common values of Deaf culture. Each Deaf person is unique in his or her hearing status, ability and/or preferences in communicating using spoken or signed language.

Hard of hearing: A person with hearing loss who usually has enough hearing to feel comfortable communicating through spoken language. Each hard of hearing person is unique in his or her hearing status and ability to communicate using spoken or signed language.

Hearing loss: A partial or total inability to hear. Hearing loss can be mild, moderate, severe, or profound.

***For the purpose of this document the term Deaf and hard of hearing is intended to include Deaf, deaf, hard of hearing and all persons with hearing loss.***

Interpreter: Any person who is certified or recognized by the Utah Interpreter program to render interpreter services.

Certified Deaf Interpreter: Certified Deaf Interpreter (CDI): A certification where a Deaf or hard of hearing individual facilitates communication between:

1. Deaf or hard of hearing individuals and hearing individuals, or
2. Deaf or hard of hearing individuals and other deaf or hard of hearing individuals, either as part of a team or independently.

The CDI brings a wider range of cultural and linguistic expertise to the interaction. Unlike Novice and Professional certification levels, this certification level allows the CDI to check the deaf or hard of hearing individual's understanding of what is being communicated, rather than solely interpreting the communication. The usage of a CDI is determined by the Deaf, hard of hearing and hearing individuals' needs for effective communication.

Interpretation: Services that facilitate effective communication through American Sign Language (ASL), or a language system or code that is modeled after ASL, in whole or in part, or is in any way derived from ASL.

Advanced certification: A certification level that is awarded and/or recognized by UIP permanently as long as renewal requirements are met.

Complaint: A written or videotaped allegation against a certified sign language interpreter by an adult party with a vested interest.

Complainant: The party by whom, or for whom, a complaint is being filed.

Certificate: The credential to interpret in Utah, issued to an interpreter by the UIP, under the authority of the USOR director. Utah state certification is property of the state of Utah and the USOR director reserves the right to revoke, suspend, or restrict.

Recognition: Certifications, other than state of Utah issued certification, determined to be recognized by the ICB that enable interpreters to be recognized to provide interpreting services in Utah. Recognition is property of the state of Utah and the USOR director reserves the right to revoke, suspend, or restrict.

Appeals Committee: A committee of the ICB that oversees any appeals of the certification procedures and the certification denial process.

Hearing: Proceedings on a complaint for the findings of fact and formulation of a recommendation of action to the ICB and, when applicable, to the USBE.

Certification Examination Committee: A committee of the ICB that oversees the certification examination process.

## **II. CERTIFICATION PROCESS**

### **Policy**

The UIP shall provide a fair and impartial method to determine candidacy for certification as an interpreter. Certification will be based on demonstration of compliance with the requirements established Rule 993-300 and this policy.

The UIP recognizes its responsibilities under Title II of the American with Disabilities Act (ADA) to provide reasonable and appropriate accommodations to candidates with documented disabilities who demonstrate a need for accommodation. Requests for accommodations for any part of the certification process should be submitted to the certification director.

### **Procedure**

#### *Qualifications for Certification Examination Candidacy*

The UIP certification director shall determine examination candidacy compliance for certification with the following completed requirements:

1. Candidate must have submitted a completed application for candidacy.
2. Candidate must be of good moral character.
3. Candidate must have a high school diploma, GED, or equivalent.
4. Candidate must be 18 years or older.
5. Candidate must submit the certification examination application fee.

#### *Eligibility for Examination*

#### Knowledge Examination

The knowledge examination is offered by appointment with UIP. The application and fee must be submitted before scheduling an examination date.

#### Performance Exam

The UIP designates examination dates annually. The application and fee must be submitted at least 10 days prior to the desired exam date. An examination candidate shall receive his/her assigned topics seven days prior to the exam.

#### *Cancellation Policy*

Any cancellation of an approved candidate's exam appointment will result in the assignment of the following penalty:

1. Cancellation one week prior to the date will result in a loss of 50% of the applicable exam fee.
2. Cancellation within 72 hours prior to exam, or failing to appear for exam ("no show") will result in 100% loss of the applicable exam fee.

UIP does not have the ability to move a payment from one scheduled appointment to another. In order to obtain a refund, a candidate must contact UIP within 10 days of cancelling his or her examination appointment. Refunds may take up to 90 days to process. After the candidate notifies the certification director that he/she cannot sit for the scheduled written or performance examination, the candidate must pay an additional application fee. The candidate may then reschedule for an examination date.

### *Certification Evaluation*

The evaluation and passing criteria for each level is recommended by the ICB Certification Examination Committee and approved by the ICB.

The ICB shall appoint a Certification Examination Committee (CEC) whose selected members shall address examination instruments, materials, and passing criteria. The ICB shall appoint at least five (5) members, including the certification director. The ICB may retain or release any members of the CEC at any time. If, for any reason, a CEC member should have to vacate his/her seat, written notification shall be given to the ICB. The ICB shall then appoint a new member as needed.

### *Examinations*

The passing of examinations shall determine qualification for all levels of certification. All examination instruments and materials shall be reviewed by the Utah ICB and approved by the CEC prior to the use of the instruments and materials in determining certification qualifications.

Two phases of examination shall be administered to determine if a candidate is qualified for certification.

#### Phase One: Knowledge Examination

Phase one of the examination process is the knowledge examination. This examination measures the candidate's knowledge of criteria related to the RID-NAD Code of Professional Conduct, Deaf history, field of sign language interpreting, linguistics, and role of the interpreter established by the ICB. The criteria used to evaluate the examination will be made available by UIP. A score of 80% or greater is required to pass the knowledge examination. Passage of the knowledge examination is a prerequisite to register and sit for the performance-based examination at any level. Passage of the knowledge examination is valid for five (5) years from the date of the test, or while certification remains active.

The knowledge examination shall be given to a candidate who:

1. Is an approved candidate for the certification level that he/she is seeking.
2. Has submitted the application and knowledge examination fee.
3. Has scheduled an examination appointment.

### *Examination Scheduling*

A schedule of examination dates for each calendar year will be determined by the UIP. When an individual has been approved for candidacy and paid the examination fee, he or she can schedule an examination appointment.

### *Performance Examination Administration Process*

Within 21 working days of the completion of the examination, the certification director shall distribute the candidate's performance examination to a UIP-approved certification examination rating team. A copy of the candidate's recorded performance will be kept on file with the UIP for 120 days from the date of notification of the examination results. If the examination has not been appealed, the recorded footage may be destroyed or used as a rater reliability tool.

For each certification level, a team of examination raters shall be comprised of members of the community and interpreting profession to evaluate criteria related to ASL/English linguistics, interpretation process, and message equivalency. The evaluation criteria and the rating system shall be determined by the CEC. To uphold the integrity of the examination, the CEC will determine what information regarding examination criteria shall be made public.

### Novice Performance Examination

In order to successfully acquire Novice Certification, all components of the Novice performance examination must be passed at the same time. A candidate, who does not pass the Novice performance exam and wishes to retake it, must submit a new application and payment.

### Professional Performance Examination

In order to successfully acquire Professional Certification, each component of the Professional performance examination must be passed. A Professional examination candidate who passes one or more component(s) of the examination shall have 12 months to pass all remaining components. The 12-month period begins from the date of the notification of results for the first passed component. If all examination components are not passed within the 12-month period, any passed components are no longer valid and the entire exam (both phases) must be taken again. A candidate, who does not pass any portion of the exam and wishes to retake it, must submit a new application and payment.



### *Notification of Examination Results*

The candidate shall receive examination results within 16 weeks of the examination date. An individual awaiting examination results may not sit for an additional exam of the same level until they have received results from the current exam.

### *Appeal of Examination Process*

#### Appeals Committee

The ICB shall appoint an Appeals Committee whose selected members shall review appeals regarding the certification process. The ICB shall appoint three members to serve. If, for any reason, an Appeals Committee member should have to vacate his/her seat, written notification shall be given to the ICB. The ICB shall then appoint a new member.

An Appeals Committee member shall be disqualified from reviewing an appeal if he/she:

1. Is the person requesting the appeal.
2. Disqualifies himself or herself because of a relationship to the person requesting the appeal.
3. Reports, for any reason, a conflict of interest related to the appeal.

A candidate may file an appeal at the time of examination or at any time up to 30 days from the date of the exam. Appeals received after examination results have been sent and/or the 30-day limit shall not be reviewed. Appeals will be considered solely based on issues related to the examination procedure and/or environmental conditions. Appeals based on examination results shall not be considered.

An appeal must be submitted in writing to the certification director. The candidate filing the appeal shall include in the appeal a complete explanation of the event(s) that occurred during the examination session which he/she feels were a deviation from specific examination procedures. The certification director will redact confidential information and forward the redacted appeal to the Appeals Committee for review including any of the following:

1. The candidate's written statement.
2. The candidate's performance exam recorded footage.
3. Documentation submitted by any concerned party.
4. The Policy and Procedures Manual.

Upon review of the aforementioned information, the Appeals Committee shall determine the merit of the appeal as it pertains to examination procedures, and either grant or deny the candidate's appeal. The appeal decision shall be sent to the candidate within 45 days of receiving the request for appeal. If the appeal is granted, the candidate may be scheduled for re-examination, and shall be required to sit only for the examination component(s) he/she failed. No fee shall be charged for an appeal process or for the re-examination should the appeal be granted.

### III. CERTIFICATION LEVELS AND RECOGNITIONS

#### **Policy**

Certification of interpreters will be based on demonstration of competency developed by the CEC and recommended by the ICB and in compliance of the requirements established by the USOR director.

#### **Procedure**

##### *Certification Levels*

Novice Certification: an individual certified at this level has demonstrated entry-level skills, knowledge, and judgment to be able to facilitate communication in a variety of situations, excluding more complex, technical, or specialized situations.

Professional or Master Certification: an individual certified at this level has demonstrated the skills, knowledge, and judgment to be able to facilitate communication in almost any situation, including more complex, technical, or specialized situations (Note: UIP no longer offers a master certification examination).

##### *Length of Certification*

##### Novice Certification

The novice certification is intended for those who are at an entry level to the practice of sign language interpreting. Novice certification will expire after years. At that time, an advanced level (Utah Professional, RID [including CDI], NIC, NAD  $\geq 4$ , EIPA  $\geq 4.0$ , or other certifications recognized by the ICB) must be achieved in order to continue practicing as an interpreter. Examination for an advanced level must be initiated prior to the completion of the four-year time period.

A Novice certified interpreter who has been unable to advance his/her certification within the allotted time frame and whose certification is therefore no longer valid may only take the Novice exam again after a waiting period of four years from the date of certification expiration. That interpreter may attempt the Professional exam or any other recognized examination during that time period.

A Novice interpreter with extenuating circumstances may request a review from the ICB Appeals Committee by submitting the Appeals Application and any pertinent records to the Certification Director.

Any interpreter may take the appropriate examination to acquire a higher level of certification. Upon notification of passing the Professional level, a new renewal cycle begins. Any existing continuing education hours (CEHs) earned while certified at the Novice level will not transfer to the Professional Certification CEH requirement. If an advanced level of certification is attempted but not passed, the interpreter will continue at the current certification level until it expires, is revoked, or the advanced level certification is acquired.

## Professional and Master Certification

Professional and Master Interpreters function on a four year cycle period of certification renewal. If all required renewal conditions are met during the specified cycle a new four year cycle will begin.

### *Certification Renewal*

There are annual renewal requirements for all certification levels. Renewal of certification for all levels includes the following requirements, which must be met before the expiration date of the certification as listed on the interpreter certification identification card and in UIP records:

#### Novice

- Payment of annual renewal fee.
- Completion of annual Certification Renewal form.
- Completion of 20 Continuing Education Hours annually (only CEHs meeting ICB-approved criteria will be accepted).

#### Professional and Master

- Payment of annual renewal fee.
- Completion of annual Certification Renewal form.
- Completion of 80 CEHs every four years (only CEHs meeting ICB-approved criteria will be accepted).

If the interpreter allows his/her certification to expire, re-certification will be necessary. This includes taking the Knowledge Exam if it has been more than five (5) years from the date of the last passed knowledge exam. If necessary, an interpreter may recertify at the Professional level at any time, but may only recertify at the Novice level after four (4) years from date of expiration. If Master level certification holders allow their certification to expire, they may only take an examination that is currently available.

To be considered for certification renewal, an interpreter must submit the Certification Renewal form annually to the UIP prior to the expiration date of his/her current certification. The interpreter may apply for renewal up to 30 days after his/her certification has expired, if he/she submits the applicable late fee and verification that all required CEHs have been earned before the original certification renewal deadline.

### *Denial of Certification Renewal*

An interpreter's certification renewal may be denied for the following reasons:

- Failure to satisfy CEH requirement by the deadline.
- Failure to submit application and/or fee by the deadline.

- Failure to provide proof of a recognized certification from approved organizations by the deadline.

The UIP shall review each interpreter certification renewal form submitted and determine if the conditions for renewal have been met. UIP will notify the interpreter of renewal or denial within 30 days of receiving the Certification Renewal Form.

Upon notification of lapse of certification or revocation of recognition, the interpreter may request a reinstatement review with the certification director by submitting the Appeal form. The interpreter will have seven days from receipt of notification to request a review of the lapse/revocation. The certification director will redact confidential information and forward the redacted appeal to the Appeals Committee for review. The certification director will notify the interpreter of the reinstatement review decision within 30 days of receiving the request.

### Continuing Education Hours (CEH)

**Novice, EIPA, & Certified Deaf Interpreters** are required to complete 20 CEH's annually.  
**Professional level interpreters** are required to complete 80 CEH's in a four (4) year period.  
**RID/NIC/NAD certified interpreters** must comply with RID's professional development requirements. For more information go to the RID website: <http://www.rid.org/>

### *How to Earn CEH's*

All CEH's must be preapproved at least two weeks before the activity. CEH approval will not be given after the event takes place. The only exception to preapproval is UIP or RID sponsored workshops.

A minimum of 90% of CEH's must be professional studies related to:

- Linguistic and cultural studies – the study of any language or linguistic system and the study of any specific culture.
- Theoretical and experiential studies – the process of interpreting and skill-building activities.
- Specialization studies – specialized aspects of interpreting used in settings such as legal, medical, mental health and substance abuse recovery fields.

A maximum of 10% of CEH's must be general studies related to:

- Human service and leadership studies – topics such as leadership skills, public relations, public speaking and community resources.
- General knowledge studies – areas less obviously related to the field of interpreting but are educationally beneficial to the participant.

Activities that are not approved CEH's:

- Board/committee activities
- Professional service delivery
- Lunch, dinner, socials, or entertainment

- Activities that are part of one's routine job responsibilities (i.e., in-service or work-related training meetings)

### *One-Time CEH Extension Requirements*

A Professional Level interpreter who has not completed the required number of CEHs by the end of his/her certification cycle may request a once in a lifetime one-time extension. This type of extension can only be granted once in a lifetime and is only for the Professional Level. Requests for a CEH extension along with a late fee should be submitted prior to the cycle deadline, in addition to the required Certification Renewal form and the renewal fee. If these requirements are not received by the cycle deadline, an additional late fee payment will be required. Requests must be made within 30 days of notification by UIP of failure to satisfy the CEH requirement.

The following items must be submitted to the UIP for an extension to be considered:

- Current renewal form
- Annual renewal fee
- Late fee(s)
- Extension application

After receipt of all required items by the UIP, the request for an extension will be reviewed by the ICB Appeals Committee. The decision of the committee will be sent to the interpreter via email.

### *Certification from Other States or Organizations*

In addition to Utah interpreter certification, the ICB recognizes the following certifications:

1. Registry of Interpreters for the Deaf (RID), CI, CT, CDI, NIC;
2. National Association of the Deaf (NAD) level IV or above; and
3. Educational Interpreter Performance Assessment (EIPA) 4.0 or above.

Certified interpreters shall be required to follow the guidelines, principles, and Code of Professional Conduct (CPC) as outlined by the applicable individual certifying organization and/or the ICB. Interpreters with national certification must apply for recognition of certification annually with the UIP.

An interpreter certified under another state system must apply for and meet the requirements of Utah certification for interpreters prior to practicing in Utah.

Requirements for Utah recognition of each National certification include:

#### **RID/NAD:**

- Payment of annual recognition fee.
  - Payments not made on time are subject to a late fee. Interpreters may not work in Utah until the fee is paid and UIP issues formal recognition.

- Completion of annual Certification Renewal form
- A copy of the interpreter's current RID/NAD certification card

EIPA 4.0 or above (Elementary is limited to grade K–6 classroom settings only; Secondary is limited to grade 7–12 classroom settings only):

- Pass the Utah Knowledge Exam or the EIPA Written Exam and Knowledge Standards
- Completion of annual Certification Renewal form
- Payment of annual recognition fee
- Complete 20 state-approved CEHs annually
- EIPA passing score of 4.0 or higher

EIPA 3.5–3.9:

- EIPA scores of 3.5–3.9 may be recognized for a maximum of four years. Renewal requirements for this recognition will be:
  - Pass the Utah Knowledge Exam or the EIPA Written Exam and Knowledge Standards
  - Completion of annual Certification Renewal form
  - Payment of annual recognition fee
  - Completion of 20 state-approved CEHs annually
  - Advance to score of 4.0 or higher by the end of four years or expiration of Novice certification, whichever occurs first.

EIPA scores of 3.5–3.9 are considered to reflect skills equivalent to those of a Novice certified interpreter. Therefore, a combined total of four years will be granted at this level. An interpreter who has been unable to achieve advanced level of certification (i.e. EIPA 4.0 or above, Professional Level Certification, NAD/RID/NIC, or any other certifications determined to be recognized by the ICB) within four years will not be allowed to renew his/her certification/recognition, and will be subject to a waiting period of four years from the date of certification/recognition expiration to reapply for certification examinations at these levels. Taking examinations for higher certification levels can occur at any time during this period.

Cycles for certification/recognition at the Novice and/or EIPA score of 3.5–3.9 level shall not be permitted to run consecutively. Should an interpreter, already certified/recognized with an EIPA score of 3.5–3.9, obtain Novice certification or vice versa during the four years wherein the initial certification/recognition may be renewed, both certifications/recognitions will expire at the end of the initial certification renewal term, and both will be subject to the four-year waiting period from the expiration date.

### *State of Utah Court Approval*

To be listed as a court-approved interpreter on both the Utah Courts and UIP websites, an interpreter must meet the requirements set forth by the state of Utah Courts and the ICB. Only those interpreters listed may work in the courts. An interpreter who is not on the court-approved list and interprets in the courts may be subject to the disciplinary proceedings found in UCA 78B-1-201-211.

## **IV. EXEMPTIONS FROM CERTIFICATION**

### **Policy**

Under Utah Code 35A-13-609, an individual may engage in the practice of interpreting without being certified if he/she meets the required criteria for one of three types of permits: Temporary, Emergency or Student.

### **Procedure**

To engage in the practice of interpreting without first certifying, an individual must apply for and be approved by UIP for a permit prior to providing interpreting services.

#### *Temporary Permit*

The temporary permit is intended as a short-term solution to extraordinary circumstances. A temporary permit may be issued when both of the following conditions exist: lack of necessary available interpretive services in any area or community of the state, and the lack of services might be reasonably considered to materially jeopardize compliance with state or federal law. As no level of skill has been ascertained, this person should only provide fundamental communication services in the specific situation for which the permit is granted.

The temporary permit is granted by the Certification Director to both the requesting entity/employer and the interpreter on a contractual basis. The permit remains in force for the amount of time agreed upon by the sponsoring entity, the interpreter, and the certification director as long as the conditions of the professional development plan are met. The maximum time a temporary permit shall remain valid is one year. The requirements of the temporary permit are no longer enforced if the interpreter passes the Utah Certification Examination at any level.

#### Criteria for Obtaining a Temporary Permit

1. The entity/employer submits an entity/employer application. The entity/employer must demonstrate what steps have been taken to hire a certified interpreter.
2. The entity/employer pays the required fee.
3. The employee/temporary permit candidate submits an employee application, which must include a professional development plan, including the steps he/she plans to take to obtain certification.
4. The employee passes the skill assessment.
5. The employee signs an agreement to abide by the UIP Policies and the NAD-RID CPC.

Approval of the request will be given by the certification director depending on candidate qualifications, skill assessment, and the professional development plan.

### Length of Temporary Permit

A temporary permit is renewable every three months for a maximum period of one year. The temporary permit may be revoked by the certification director if any of the parties violate the professional development plan.

### *Emergency Permit*

If an interpreter is certified in another state and relocates to Utah but has not had the opportunity to take the Utah Certification Exam, the interpreter may wish to provide services in Utah while waiting for the next Utah examination opportunity. Such a situation would qualify for an emergency permit. Approval of requests will be given by the certification director.

### Criteria for Obtaining an Emergency Permit

1. The entity/employer submits an entity/employer application. The employer must state what steps have been taken to hire a certified interpreter.
2. The entity/employer submits the required fee.
3. The employee/emergency permit candidate submits an employee application, which must include a professional development plan including the steps he/she plans to take to obtain certification.
4. The employee signs an agreement to abide by the UIP Policies and the NAD-RID CPC.

### Length of Emergency Permit

An emergency permit is valid for a maximum of four months to give the interpreter ample time to take the knowledge and performance exam. The emergency permit may be revoked by the certification director if any of the parties outlined above violate the professional development plan.

### *Student Permit*

A student permit may be granted where the individual is providing paid or unpaid interpreting services while in a training program, internship, residency, apprenticeship, or on-the-job training program approved by the USOR Director. Students may not work alone and must work with an interpreter certified at an advanced level. The permit will be issued for a defined period of time as determined by the training program with the approval of the certification director. A permit will be required for each term/semester the student is interpreting through an internship or practicum.

### Criteria for Obtaining a Student Permit

To apply for a student permit, the student must complete the following prior to starting an internship or practicum:



1. Complete and submit a student permit application.
2. Pay the student permit fee.
3. Submit a letter of recommendation from a qualified faculty or staff member.
4. Pass the Utah Knowledge Examination within the past five years. The Knowledge Examination cannot expire during the time the student holds the permit.
5. Sign a waiver agreeing to abide by the UIP Policies and the NAD-RID CPC.

### *Program Approval Process*

In order to be considered for a student permit, a student must be attending a training program that has been approved by the ICB. Training programs include interpreter training programs (ITPs), internships, residencies, apprenticeships, or on-the-job training programs. Program approval lasts for three years.

In order for the ITP to be approved by the ICB, programs must submit the following to the Certification Director:

1. Program approval application.
2. Organizational Vita and organizational chart.
3. Staff roster of faculty or training staff overseeing student practicums/internships training.
4. Credentials for training personnel.
5. Descriptions of the process of assigning internships/practicum assignments.
6. Application fee.
7. List of students eligible to participate in the internships/practicum appointments prior to interpreting.
8. Record of successful fingerprint background check within one year for any student who will provide interpreting services in a public school.

The certification director will review the documents and submit a proposal of program approval or denial to the ICB for recommendation and then the director for final approval or denial. The certification director will inform the program of the ICB approval or denial within seven working days of the ICB meeting and approval from the USOR director. If the director and the ICB deny the approval of a program, the program will also receive a brief explanation of the reason(s) for the denial with any recommended actions for improving the application. The program may then resubmit an updated application for approval.

### Lapse in Program Approval

At least 30 days before a training program's approval will expire, the program must reapply for approval in order for student permits to be issued. If a program's approval lapses, all student permits issued under the purview of that program will be immediately revoked. The certification director will inform all students whose student permits have been revoked within five working days of the program's lapse in approval.

## **V. DISCIPLINARY PROCEEDINGS**

### **Policy**

The ICB under the direction of the USOR Director shall revoke, suspend, or restrict the certificate of an interpreter who does not maintain certification and/or requirements of recognition or does not abide by the CPC. Certification/recognition is property of the state of Utah and the USOR Director reserves the right to revoke, suspend, or restrict it.

### *Jurisdiction*

The jurisdiction of the USOR Director under the advisement of the ICB shall extend to all state of Utah certified sign language interpreters, RID, NIC, NAD, EIPA, or other certifications determined to be recognized by the ICB. Jurisdiction over complaints regarding non-certified interpreters shall be maintained by the State of Utah Attorney General's Office. The Director and ICB shall concern themselves with complaints involving recognized interpreters while providing interpreting services and issues related to the moral character of certified interpreters.

### **Procedure**

Professional conduct and complaint proceedings are outlined in R993-300-307. Unlawful and Unprofessional Conduct.

Disciplinary actions are outlined in R993-300-308. Grounds for Denial of Certification and Disciplinary Proceedings.

### *Ethical Standards Committee Membership*

The ICB shall operate as an ethical standards committee and conduct investigations and hearings addressing complaints involving interpreters who are certified/recognized by the state of Utah. Information regarding a complaint brought before the ICB must be kept strictly confidential. Violation of confidentiality shall be grounds for dismissal from the ICB. Any communication regarding the hearing or discussions shall go through the certification director.

A member of the ICB will be disqualified from hearing a complaint if he/she:

1. Is the complainant or respondent.
2. Is deemed unable to participate objectively and is disqualified by a majority vote of the ICB.
3. Disqualifies himself or herself because of prior knowledge of the case or relationship to the complainant or respondent.
4. Is disqualified because of participation in the investigation of the complaint.
5. Reports, for any reason, a conflict of interest in the complaint.

### *Who May File a Complaint*

A complaint may be filed by any person utilizing interpreter services in the alleged incident, any person having a direct interest in the occurrence specified in the complaint, or the certification director on behalf of such individuals.

### *Filing a Complaint*

UIP shall accept complaints in any accessible format. The complaint must be filed within 30 days of the alleged incident. The complaint must set forth the specific action or actions in question and the date, time, location, and name(s) of all persons against whom ethical violations are being alleged. Individuals needing assistance with filing a complaint may request accommodations through the certification director or a member of the UIP staff.

The ICB will determine if it has jurisdiction over the complaint. If the ICB determines that it does not have jurisdiction or that the complaint states a cause of action that the ICB cannot address, the ICB will inform the complainant in writing that the case will be closed. If applicable, the complaint will be referred to law enforcement or the Attorney General's office.

### *Complaint Proceedings*

If the ICB determines that it has jurisdiction, the Certification Director shall send a copy of the complaint and a response form by certified mail to the respondent.

The respondent shall have 30 days from the postmarked date of the notice to respond. The response shall be in writing and must include all information requested on the response form. The response shall address, either by admitting, denying, or further explaining, each relevant aspect of the allegation(s) set forth in the complaint. The response must be sent by using the online form or certified mail to the UIP. After the response has been filed or the 30 day period has elapsed for filing a response, the ICB will proceed.

Upon receipt or after the timeline has expired, the ICB shall review the response and determine if a hearing is warranted. If it is determined that a hearing is warranted, the ICB Chair will proceed with the hearing process. If it is determined that a hearing is not warranted, the complainant and respondent will be informed by certified mail that the case has been closed.

Complaints shall be handled in the order in which they are received by the UIP. Multiple allegations against the same interpreter will be handled simultaneously.

### *Complaint Withdrawal*

A complaint may be withdrawn at any time. When a case is withdrawn, all materials related to the case shall be destroyed and the permanent, confidential log shall specify the same information as above except to specify that the case was withdrawn. The ICB reserves the right to proceed on behalf of/ without the complainant, if it determines there is cause.

## *Hearing Process*

A complaint may not be brought against a respondent who is already involved as a plaintiff or defendant in a legal proceeding involving the incident identified in the complaint. However, after the legal proceeding has been decided, the complaint may be re-filed with the ICB within 30 days.

The ICB chair will select three ICB members to be involved in the hearing. The ICB chair shall determine which members of the ICB will be assigned to hear each case. The ICB chair may be one of the three hearing committee members. At least two of those three members shall be certified interpreters. The hearing shall be scheduled 20 to 60 days from the date the response is received or the timeline for the response has expired. The date, time, and location of the hearing shall be scheduled so as to be convenient for all parties involved.

At least 15 days prior to the hearing date, the UIP shall send by certified mail the following information to the interpreter and the complainant:

- Date, time, and location of hearing.
- Names and professional affiliations of the members of the ICB who will hear the complaint, including identification of the individual who will chair the hearing.
- Procedures for objecting to any ICB member on the hearing committee.
- Names and affiliations of the complainant and respondent.

At least 15 days prior to the hearing date, the UIP shall send the following information to the ICB members hearing the complaint:

- Date, time, and location of the hearing.
- Names of the ICB members on the hearing committee.
- Names and affiliations of the complainant and respondent.

A respondent may request that more ICB members hear a complaint. However, the ICB will make the final decision as to whether or not more than three members will hear the complaint.

The complainant and respondent may each invite a representative such as an advocate, legal assistant, legal counsel, etc., to assist him/her during the proceedings. Representatives may participate in all proceedings. Either party may present any affidavits, documents, other written evidence, or present witnesses to give testimony as to any relevant aspect of the allegation or defense asserted. The meeting will proceed as a formal hearing, as opposed to a court of law, and all in attendance may participate. The meeting will proceed as outlined below:

1. The complainant will first present the complaint.
2. The respondent will reply.
3. The complainant may present evidence and witness testimony.

4. The respondent or his/her legal council may query.
5. The respondent may present evidence and witness testimony.
6. The complainant or his/her legal council may query.

The hearing committee may interject at any point during the proceedings to ask questions of parties or witnesses necessary to reach a complete understanding or for clarification of the points at issue. If any parties will be participating remotely, all participants, including those participating remotely, must identify themselves before participating.

### *Considering the Evidence*

The ICB shall only consider evidence properly presented and deemed to be reliable and relevant to the proceedings. If there is a discrepancy among hearing committee members about the reliability and relevance of any piece of evidence, the ICB Chair shall make the determination.

### *Reaching a Decision*

A majority vote is required to reach a decision. The hearing committee decision shall be written and shall identify, in detail, the complaint, the evidence used in the decision, the relevant CPC citation(s), and the action to be taken, if any. A dissenting member of the hearing committee may file a minority report which shall become part of the ICB's decision and record.

The hearing committee will meet in executive session to make a decision about the complaint. If the hearing committee decides against the respondent, it shall immediately determine what form of appropriate discipline shall be administered. One copy shall be kept with the ICB records, one copy shall be supplied to the complainant, and one to the respondent. If copies are mailed, they are to be sent via certified mail.

Once an allegation has been dismissed, the complainant may not file any other complaints regarding that same incident.

### *Disciplinary Action*

The determination of the type and severity of disciplinary action will depend on the severity of the complaint in terms of lack of professionalism, non-adherence to the CPC, the impact of the interpreter's actions, etc.

There is a range of potential courses of action, and the hearing committee may elect to choose one, several, or none of the possible options listed below. The committee may also choose to create a course of action tailored specifically to the circumstances of the particular complaint.

- The Hearing Committee may elect to take no disciplinary action on the complaint.
- The respondent may be required to attend educational workshops, seminars, or classes that would help ensure exposure to the kind of information that would aid the

respondent to react differently in future situations. Workshop attendance could be included in the current CEH requirements for certification renewal, or could be levied as an additional requirement.

- The respondent may be placed on probation at the hearing committee's directive, where his or her actions would be monitored for a specified length of time to ensure that professional and ethical conduct is maintained. The certification director will be responsible to oversee the monitoring process.
- The respondent may be assigned a mentor for a required period or specified number of hours.
- The respondent may be placed on temporary suspension. The interpreter would not be permitted to provide interpreting services during the required suspension period. Suspension must not exceed one year in duration. In order to be eligible for renewal of certification, submission of renewal form, payment of dues/fees, and earning of CEHs must continue during this period. At the end of the specified period, the certification director will report to the hearing committee as to the current standing of the action. The ICB shall determine whether or not any and all conditions of the disciplinary action have been met. If the conditions are met, certification will be reinstated.
- The respondent's certification may be revoked. This will necessitate the individual to wait for a specified length of time as determined by the hearing committee, then re-enter the certification process from the beginning by applying to take the Knowledge Exam and proceeding with full performance examination. The hearing committee will need to specify a point after which the individual is permitted to enter the certification examination process. A revoked certification may not be reinstated. All certification renewal requirements are also immediately revoked; however, the interpreter will not be entitled to any refund or prorated return of fees/dues for the year in which the complaint is heard, and all CEHs earned up to the point of the announcement of action will be null and void. Revocation of certification is an extreme measure and should be reserved only for situations consisting of the most intentional and severe malpractice.

**Note:** An interpreter whose certification has been suspended or revoked shall not under any circumstances be granted any type of temporary permit.

### *Hearing Committee Records*

#### Creating a Review Record of a Hearing

An official record shall be made of all proceedings. Records will consist of a physical copy of the video recording of the review, including all source and interpreted testimony, questions from and responses to Hearing Committee members. Additionally, records will consist of all the evidence presented, including but not limited to affidavits, documents, video recordings and written materials.

#### Official Committee Records

An official, confidential record listing the names of all involved parties, date(s) of the

incident, action taken, and summary of the complaint shall be maintained by the certification director. Official hearing committee records shall consist of the complaint; the response; all relevant correspondence between the hearing committee and the parties; all evidence written, oral, or signed; the written decision; any testimony or opinion; and transcripts. Official hearing records become the confidential property of the UIP. Following the decision, records shall be sealed and may be reviewed only upon written request to UIP, stating good cause for release and review. The entire official hearing record shall be retained according to Utah Archives policy.